

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Plaintiff,

v.

NORTONLIFELOCK INC.,

Defendant.

Civil Action No. 3:13-cv-00808-MHL

**COLUMBIA’S NOTICE OF NORTON’S COMMUNICATIONS
WITH DR. DACIER ON APRIL 5-7, 2022**

Plaintiff, The Trustees of Columbia University in the City of New York (“Columbia”), by counsel, hereby notifies the Court of relevant evidence of Norton’s undisclosed communications with Dr. Dacier, as recently as the morning of yesterday’s hearing, regarding the issues that were argued yesterday and remain pending before the Court. Columbia believes that these communications (provided by Norton to Columbia only last night at 9:39 p.m. Eastern Time) should be provided to the Court as soon as possible as the Court considers the remedy issues discussed yesterday. The new evidence is attached as Exhibit A and Columbia’s subsequent request that Norton provide this evidence to the Court promptly (particularly in light of the Court marking exhibits at yesterday’s hearing) is attached as Exhibit B. As noted in Exhibit B, a number of the statements in Exhibit A directly contradict arguments and express and implied representations that Norton has made regarding Dr. Dacier.

For example, Dr. Dacier stated early in the morning on April 7, 2022:

[T]he facts stated in my testimony are, indeed, in my opinion, harmful for Norton’s case. I am no fool and I can see now why the Quinn team has done what they have done over the years, while pretending to ‘represent’ me.”

On April 5, Dr. Dacier also stated:

I must admit to be a bit surprised by this sudden rush after years of inaction and the several calls with the Quinn team in which they repeatedly told me that there was no need for me to do anything, that they did not want me to do anything, that my testimony in Brussels was all that was needed. I'm happy to help the judicial process though, I have continuously said so far. (emphasis added).

Again, Columbia does not want to burden the Court, but we understood that the issue of remedy was actively being considered by the Court and we thought that this evidence, which we believe is relevant to the Court's consideration, should be provided as soon as possible.

Dated: April 8, 2022

Respectfully submitted,

/s/ John M. Erbach

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